

TERRORISM INITIATIVE

On September 5, 2002, the General Court of the Commonwealth created a terrorism policy by emergency action; the purpose was to tighten the laws on materials that could be used or misused deliberately during an act of terrorism.

PURPOSE OF LEGISLATION

To further tighten the requirements for the possession and/or use of explosives in the Commonwealth.

M.G.L. CHAPTER 148, §12

No person shall sell, transfer or exchange explosive materials within the Commonwealth to any other person unless: (1) said transferee possesses the proper permit or certificate to possess, receive or store explosive materials; and (2) said transferee maintains, at the place of delivery, an approved, permitted, explosive storage magazine or bunker. Any information, data or record maintained by the Marshal or his agents or designees, in any form, relative to the amount, location or nature of explosive material within the commonwealth, shall not be considered a public record, as defined [c. 4, §7(26)]



...Any person who violates this section shall be punished by imprisonment in a house of correction for not more than 2-1/2 years or by a fine of not more than \$5,000, or by both such fine and imprisonment.

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Requires annual inspection of permanent storage locations, conducted by Office of the State Fire Marshal, for compliance with table of distances capacity of magazine must meet table of distances without exception (can modify the interior to meet requirements) ...delivery of explosives must be to an approved magazine (permitted) and permit number recorded on delivery paperwork.



Requirements for Use of Explosives as Granted by the State Fire Marshal, in addition to regulations from the federal Bureau of Alcohol, Tobacco and Firearms.

All certificates, licenses, and storage permits require criminal background checks.

Explosive User Certificate (EUC) – allows a company to conduct business in the Commonwealth (own and possess)
Certificate of Competency – allows the blaster to conduct blasting operations in Commonwealth

Storage Permit – verifies compliance with the state fire code and allows a EUC holder to receive and store explosives in the Commonwealth



REQUIREMENTS AS GRANTED BY THE HEAD OF THE FIRE DEPARTMENT

Use and Handling Permit – A local permit is issued by the local fire department and is needed to conduct blasting operations in that community.

M.G.L. c. 148, §9 allows a community to develop and pass more stringent by-laws and ordinances governing blasting, if approved by the Board of Fire Prevention Regulations. These by-laws and ordinances must be consistent with state regulations, but may be more restrictive.



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Office of the State Fire Marshal



TECHNICAL SERVICES UNIT

Terrorism Initiative

***Explosives
Accountability***

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